

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 04796 01 OF 02 151822Z

ACTION IO-14

INFO OCT-01 ISO-00 IOE-00 AF-10 ARA-10 EA-07 EUR-12

NEA-10 SSO-00 NSCE-00 USIE-00 INRE-00 SS-15 SP-02

L-03 H-01 NSC-05 PA-01 PRS-01 CIAE-00 COME-00

EB-07 INR-07 LAB-04 NSAE-00 SIL-01 OIC-02 /113 W

-----151841Z 080385 /53

O 151628Z JUN 77

FM USMISSION GENEVA

TO AMEMBASSY ADDIS ABABA IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 8260

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 4796

E.O. 11652: GDS

TAGS: PLAB, ILO

SUBJ: 63RD INTERNATIONAL LABOR CONFERENCE (ILC)-ETHIOPIA

REF: (A) ADDIS ABABA 3702; (B) STATE 138397

1. COMMITTEE OF APPLICATIONS OF CONVENTIONS AND (CACR) IS REGULAR TRI-PARTITE COMMITTEE OF ILC. EACH YEAR CACR CONSIDERS SELECTED CASES, TAKEN FROM THE ANNUAL REPORT OF THE COMMITTEE OF EXPERTS (COE) OF THE ILO, A HIGHLY REPUTABLE PANEL OF JURISTS (EARL WARREN SERVED ON IT SOME YEARS AGO). THIS YEAR, CACR CHOSE ETHIOPIA ALONG WITH ABOUT 60 OTHER COUNTRIES.

2. INSTRUCTIONS FOR USG REP ARE TO PARTICIPATE FULLY IN ALL CACR ACTIVITY, CONSIDERING EACH CASE ON ITS MERITS RATHER THAN FOR POLITICAL REASONS. ETHIOPIAN CASE, IN JUDGEMENT OF USG MEMBER OF USDEL, VERY CLEARLY MERITED PLACING ETHIOPIA ON "SPECIAL LIST" UNDER CRITERION SEVEN (CACR PROCEDURE DEALING WITH CONSISTENT VIOLATION OF CONVENTIONS).

3. CACR, WHICH IS ABOUT TWO-THIRDS THROUGH ITS WORK, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 04796 01 OF 02 151822Z

HAS, AS OF COB JUNE 14, RECOMMENDED PUTTING ONLY ETHIOPIA ON SPECIAL LIST UNDER CRITERION SEVEN (CZECHOSLOVAKIA, USSR, ARGENTINA, AND CHILE WILL BE SUBJECT TO "SPECIAL PARAGRAPH" (IN CACR REPORT) EXPRESSING CONCERN OF CACR ABOUT CONDITIONS.) WHOLE REPORT MUST BE ACCEPTED BY PLENARY OF ILC, SOMETIME NEXT WEEK. ASSUMING REPORT IS ACCEPTED, FINAL REPORT OF ILC WILL SHOW ETHIOPIA

ON LIST.

4. COUNTRIES' CASES ARE REPORTED ON BY COE EACH YEAR AND CONSIDERED BY CACR IN JUNE AT ILC. CACR CAN DECIDE TO CONTINUE CITATION OF COUNTRY ON SPECIAL LIST (OR PARAGRAPH) OR TERMINATE, DEPENDING ON ITS REVIEW OF NEW MATERIAL. LISTING PARAGRAPHING INVOLVES NO PENALTY OTHER THAN CALLING CONTINUED VIOLATION TO ATTENTION OF ILC.

5. COMMITTEE OF EXPERTS REPORT:
ETHIOPIA (RATIFICATION: 1963 CONVENTION 8) FREEDOM OF ASSOCIATION

THE COMMITTEE NOTES THE INFORMATION COMMUNICATED BY THE GOVERNMENT TO THE CONFERNECE COMMITTEE IN 1976, AS WELL AS THE INFORMATION CONTAINED IN THE GOVERNMENT'S REPORT.

1. IN ITS PREVIOUS OBSERVATION, THE COMMITTEE NOTED THAT THE ALL-ETHIOPIA TRADE UNION WHICH, UNDER THE PROCLAMATION, SHALL BE THE REPRESENTATIVE OF ALL THE WORKERS IN ETHIOPIA (SECTION 51(3)), SHALL GUIDE AND SUPERVISE THE LABOUR MOVEMENT AND ISSUE DIRECTIVES TO THE UNIONS TO ENSURE THEIR FUNCTIONING IN LINE WITH SOCIALIST PRINCIPLES (SECTION 52(3)(B)).

IN ADDITION, LOWER TRADE UNIONS SHALL BE SUBORDINATE TO HIGHER ONE AND SHALL BE OBLIGED TO ACCEPT AND IMPLEMENT THE LATTER'S DECISIONS (SECTION 50(4) AND (7)).

UNDER SECTION 59(2) OF THE PROCLAMATION, ONLY ONE TRADE UNION MAY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 04796 01 OF 02 151822Z

BE ESTABLISHED IN AN UNDERTAKING.

THE COMMITTEE NOTES FROM STATEMENTS MADE BY A GOVERNMENT REPRESENTATIVE TO THE CONFERENCE COMMITTEE THAT THE ALL-ETHIOPIA TRADE UNION, THE HIGHEST TRADE UNION AUTHORITY, IS MEANT TO BE A COLUNTARY, AND NOT A GOVERNMENT ORGANISATION.

THE COMMITTEE MAINTAINS THE VIEW THAT THIS LEGISLATION IS AT

VARIANCE WITH THE RIGHT OF WORKERS TO ESTABLISH AND JOIN ORGANISATIONS OF THEIR CHOOSING, AS LAID DOWN IN ARTICLE 2 OF THE CONVENTION. THERE IS A FUNDAMENTAL DIFFERENCE BETWEEN A SITUATION IN WHICH A TRADE UNION MONOPOLY IS INSTITUTED OR MAINTAINED BY LEGISLATION AND THE FACTUAL SITUATIONS WHICH ARE FOUND TO EXIST IN CERTAIN COUNTRIES IN WHICH THE WORKERS OR THEIR TRADE UNIONS JOIN TOGETHER VOLUNTARILY IN A SINGLE ORGANISATION WITHOUT THIS BEING THE RESULT OF LEGISLATIVE PROVISIONS ADOPTED TO THE EFFECT.

THE COMMITTEE MUST THEREFORE AGAIN POINT OUT THAT UNIFICATION IMPOSED BY THE LEGISLATIVE MEANS RUNS COUNTER TO THE PRINCIPLES OF THE CONVENTION.

2. THE COMMITTEE NOTED, IN ITS COMMENTS, THAT THE LABOUR PROCLAMATION DOES NOT EXTEND TO PUBLIC SERVANTS, MANAGEMENT PERSONNEL OR DOMESTIC SERVANTS. THE COMMITTEE NOTES FROM THE STATEMENT MADE BY A GOVERNMENT REPRESENTATIVE TO THE CONFERENCE COMMITTEE THAT METHODS OF ORGANISATION OF THESE CATEGORIES OF PERSONNEL ARE UNDER STUDY.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 GENEVA 04796 02 OF 02 151807Z
ACTION IO-14

INFO OCT-01 ISO-00 IOE-00 AF-10 ARA-10 EA-07 EUR-12
NEA-10 SSO-00 NSCE-00 USIE-00 INRE-00 SS-15 SP-02
L-03 H-01 NSC-05 PA-01 PRS-01 CIAE-00 COME-00
EB-07 INR-07 LAB-04 NSAE-00 SIL-01 OIC-02 /113 W
-----151841Z 080090 /53

O 151628Z JUN 77
FM USMISSION GENEVA
TO AMEMBASSY ADDIS ABABA IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 8261

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 4796

THE COMMITTEE EXPRESSES THE HOPE, AS IT HAS PREVIOUSLY DONE, THAT THE RIGHT TO ORGANISE WILL IN THE NEAR FUTURE BE GRANTED TO THESE CATEGORIES OF WORKERS, TO WHOM THE CONVENTION ALSO APPLIES.

3. WITH REGARD TO STRIKES, THE COMMITTEE OBSERVED THAT THE RIGHT OF WORKERS TO TAKE PART IN A STRIKE TO FURTHER AND DEFEND THEIR INTERESTS SEEMED TO BE EXCLUDED IN PRACTICE BY CERTAIN PROVISIONS CONCERNING ILLEGAL STRIKES (SECTIONS 106 AND 99(3)).

ACCORDING TO THE GOVERNMENT REPRESENTATIVE, STRIKES ARE NOT ALTOGETHER PROHIBITED; SINCE WORKERS TAKE PART IN MANAGEMENT AND THE MAJOR ENTERPRISES HAVE BEEN NATIONALISED, THE NORMAL PURPOSE OF STRIKES IS IRRELEVANT.

THE COMMITTEE WOULD ONCE AGAIN STRESS THAT A PROHIBITION ON STRIKES, OR RENDERING THEM PRACTICALLY IMPOSSIBLE, CONSTITUTES A

CONSIDERABLE RESTRICTION OF THE OPPORTUNITIES OPEN TO TRADE UNIONS

FOR FURTHERING AND DEFENDING THE INTERESTS OF THEIR MEMBERS
(ARTICLE 10 OF THE CONVENTION) AND OF THEIR RIGHT TO ORGANISE
THEIR ACTIVITIES (ARTICLE 3). FURTHER, THE COMMITTEE WOULD
RECALL THAT ARTICLE 8 OF THE
CONVENTION ESTABLISHES THAT THE LAW OF THE LAND SHALL NOT IMPAIR,
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 04796 02 OF 02 151807Z

NOR SHALL IT BE SO APPLIED AS TO IMPAIR, THE GUARANTEES PROVIDED FOR
IN
THE CONVENTION.

4. THE COMMITTEE NOTED THAT, UNDER THE PROVISIONS OF THE
PROCLAMATION (SECTIONS 51(3) AND 109(13)), ONLY THE ALL-ETHIOPIA
TRADE UNION CAN AFFILIATE WITH AN INTERNATIONAL ORGANISATION OF
WORKERS AND THAT ANY SUCH AFFILIATION SHOULD BE SUBJECT TO
VERIFICATION BY THE MINISTER.

ACCORDING TO THE GOVERNMENT REPRESENTATIVE, THE PROVISION
THAT THE MINISTER OF LABOUR MIGHT VERIFY THAT THE PART TAKEN
BY THE ALL-ETHIOPIA TRADE UNION IN INTERNATIONAL ORGANISATIONS
IS IN CONFIRMITY WITH SOCIALIST PRINCIPLES IS INTENDED TO
ENSURE THAT NATIONAL, ECONOMIC AND COSIAL POLICIES, AGREED
WITH THE TRADE UNIONS, ARE IMPLEMENTED.

THE COMMITTEE REITERATES THAT IT CONSIDERS THESE PROVISIONS
TO BE INCOMPATIBLE THE ARTICLE 5 OF THE CONVENTION, WHEREBY
ANY ORGANIZATION, FEDERATION OR CONFEDERATION SHALL HAVE THE
RIGHT TO AFFILIATE WITH INTERNATIONAL ORGANISATIONS OF WORKERS.

THE COMMITTEE REQUESTS THE GOVERNMENT TO INDICATE WHAT MEASURES
IT PORPOSES TO ADOPT WITH A VIEW TO BRINGING THE LEGISLATION
INTO LINE WITH THE CONVENTION.

APPLICATION OF RATIFIED CONVENTIONS

(7) THE COMMITTEE EXAMINED THE APPLICATION OF CERTAIN CONVENTIONS
IN VARIOUS COUNTRIES AND NOTED WITH GRAVE CONCERN THAT IN SOME OF
OF THEM THERE WAS CONTINUED FAILURE TO IMPLEMENT FULLY THE
CONVENTIONS CONCERNED AND THAT FULL INFORMATION SHOULD THEREFORE BE
SUPPLIED ON THE MEASURES TAKEN TO ENSURE SUCH COMPLIANCE. THE
COMMITTEE DRAWS PARTICULAR ATTENTION IN THIS CONNECTION TO
THE FOLLOWING CASES.

6. COMMENT: WORKERS' AND EMPLOYERS' GROUPS IN CACR
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 04796 02 OF 02 151807Z

PROPOSED PUTTING ETHIOPIA ON A SPECIAL LIST. USGOVT
HAD UNDERSTANDING WITH INDUSTRIALIZED MARKET ECNONMY
COUNTRIES (IMEC) GOV REPS THAT ALL OF US WOULD SUPPORT
THIS LISTING. AFTER USG REP HAD MADE STATE-
MENT, IMEC GOVT REPS FAILED TO SUPPORT BUT INSTEAD
RECOMMENDED SPECIAL PARAGRAPH. US LEARNED LATER THAT
IMEC HAD CHANGED ITS POSITIONS BU HAD GAILED TO
INFORM US. USDEL BELIEVED IT WAS INAPPROPRIATE
TO RETRACT US STATEMENT SUPPORTING SPECIAL LISTING,
PARTICULARLY IN LIGHT OF THE FACT THAT SOVIET AND
ITS SATELLITES USED THIS CASE AS A VEHILE FOR
POLITICAL PROPAGANDA.
SORENSEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, STANDARDS, INTERNATIONAL LABOR ORGANIZATIONS, FOREIGN POLICY POSITION, COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA04796
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770214-0035
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770655/aaaabwgv.tcl
Line Count: 238
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fe27777c-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 ADDIS ABABA 3702, 77 STATE 138397
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2146803
Secure: OPEN
Status: NATIVE
Subject: 63RD INTERNATIONAL LABOR CONFERENCE (ILC)-ETHIOPIA
TAGS: ELAB, XX, ILO
To: ADDIS ABABA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/fe27777c-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009